

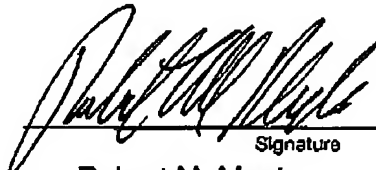
APR 07 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		5649-1098	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300 on April 7, 2006. Signature <u>Candi L. Riggs</u> Typed or printed name <u>Candi L. Riggs</u>	Application Number	Filed	
	10/715,015	11/17/2003	
	First Named Inventor	Jang-won Moon	
	Art Unit	Examiner	
	2824	Jung H. Hur	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Robert M. Meeks	
		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,723</u>		919/854-1400	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		April 7, 2006	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 07 2006

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2818**

Attorney Docket No.: 5649-1098

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Moon et al.
Serial No.: 10/715,015
Filed: November 17, 2003
For: VARIABLE-DELAY PRECHARGE CIRCUITS AND METHODS

Group Art Unit: 2824
Examiner: Jung H. Hur
Confirmation No.: 3312

Date: April 7, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

No fee or extension of time is believed due for this request other than those submitted with the petition for extension of time filed concurrently herewith. However, if any further fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed December 7, 2005 (herein after "Final Action") and the Advisory Action mailed February 15, 2006 (hereinafter "Advisory Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Claims 1 and 4-16 are pending in this application. Claims 1, 4-7, 9, 10, 15 and 16 stand rejected under 35 U.S.C. § 103 as obvious over Applicants' Admitted Prior Art

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Serial No.: 10/715,015
Filed: November 17, 2003
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(hereinafter "APA") in view of U.S. Patent No. 5,828,612 to Yu et al. (hereinafter "Yu"). See Final Action, p. 3. Claim 8 stands rejected under 35 U.S.C. § 103 as obvious over APA in view of Yu in view of U.S. Patent No. 5,831,924 to Nitta et al. (hereinafter "Nitta"). See Final Action, p. 5. Claims 11-14 have been indicated as being allowable if amended to independent form incorporating recitations of base and intervening claims. See Final Action, p. 5.

Applicants respectfully traverse the above-described rejections, as the cited references do not provide the teachings alleged by the Final Action for at least the reasons discussed herein and in Applicants' Amendment filed April 4, 2005 and Amendment After Final Action filed January 25, 2006. Therefore, Applicants respectfully request review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity, and without waiving the right to argue additional grounds should this Petition be denied, Applicants limit discussion herein to discussion of two clear errors in the rejection: (1) a lack of teaching of several recitations of the claims by the cited combination of APA and Yu; and (2) a lack of evidence from the prior art of a suggestion or motivation to combine APA and Yu.

To establish a *prima facie* case of obviousness, the prior art reference or references when combined must teach or suggest *all* the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See M.P.E.P. § 2143. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See M.P.E.P. § 2143.01(citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990)). As emphasized by the Court of Appeals for the Federal Circuit, to support combining references, evidence of a suggestion, teaching, or motivation to combine must be *clear and particular*. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). In addition, to support combining or modifying references, there must be particular evidence from the prior art as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination *in the manner claimed*. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000). "The mere fact that references can be combined or modified does not render the resultant

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combination obvious unless the prior art also suggests the desirability of the combination."
M.P.E.P. § 2143.01, citing *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)
(Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.).

Claim 1 recites, in part:

... a precharge control signal generator circuit that receives the column bank address signal, that generates first and second delayed signals from the column address bank signal that are delayed by respective different first and second time periods with respect to the column bank address signal, and that applies to the precharge circuit, responsive to a precharge delay control signal, a selected one of a first precharge control signal generated from the first delayed signal and a second precharge control signal generated from the second delayed signal; and
a precharge delay control circuit that generates the precharge delay control signal responsive to the write enable signal.

Applicants note that the description of FIGs. 1A and 1B in the Background of the Invention section ("Background") of the present application, *i.e.*, APA, clearly does not disclose or suggest a memory device in which a precharge control signal generator circuit "generates first and second delayed signals from the column address bank signal that are delayed by respective different first and second time periods with respect to the column bank address signal" and "a first precharge control signal generated from the first delayed signal and a second precharge control signal generated from the second delayed signal." Although Yu describes providing different precharge timings for write and read cycles, Yu describes generating these different precharge timings in a manner that is distinctly different from that recited in the claims, that is, in a manner that does not involve "first and second delayed signals from the column address bank signal that are delayed by respective different first and second time periods with respect to the column bank address signal" and "a first precharge control signal generated from the first delayed signal and a second precharge control signal generated from the second delayed signal." *See, e.g.*, Yu, Figs. 3 and 4 and accompanying description thereof at columns 6-9. Accordingly, the cited combination of APA and Yu does not disclose or suggest several of the recitations of Claim 1 and, thus, there is a clear lack of an element required to support a *prima facie* showing of obviousness under 35 U.S.C. § 103.

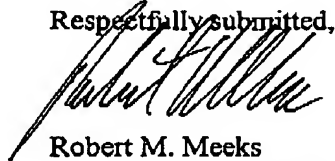
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Moreover, the mere fact that Yu describes generation of different precharge timings is not clear and particular evidence of a teaching or suggestion to modify the device described in the Background *in the specific manner recited in Claim 1*, as neither Yu nor the background even mention the claimed approach, much less its desirability. The reasoning provided on pages 4 and 7 of the Final Action as a basis for modifying the device described in the Background, namely, that "it would have been obvious to . . . modify the device and the related method of Admission to generate a second precharge control signal responsive to the bank address signal" (Final Action, p. 4), is an improper hindsight reconstruction, as the prior art of record does not make such a suggestion. Thus, the rejection of Claim 1 also lacks the requisite clear and particular evidence from the prior art of a motivation or suggestion to combine APA and Yu.

For at least the foregoing reasons, Applicants submit that the rejection of Claim 1 is clearly erroneous. Applicants further submit that the rejections of independent Claims 6, 9 and 15 are clearly erroneous for at least similar reasons. Therefore, Applicants submit that independent Claims 1, 6, 9 and 15 are patentable, and that dependent Claims 4, 5, 7, 8, 10-14 and 16 are patentable at least by virtue of the patentability of the various ones of independent Claims 1, 6, 9 and 15 from which they depend. Applicants further submit that several of the dependent claims have additional separate bases for patentability, but defer further discussion of these bases pending the outcome of the Pre-Appeal Brief Review.

With respect to all the pending rejections, there are clear errors in the rejections of the claims in the Final Action. Therefore, Applicants respectfully request that the present application be reviewed and the rejections be reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,



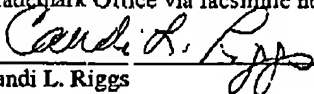
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Serial No.: 10/715,015
Filed: November 17, 2003
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**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 CFR § 1.8**

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Candi L. Riggs